



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

SOUTHWEST REGIONAL OFFICE
355-A Deadmore Street, Abingdon, Virginia 24210
(276) 676-4800 FAX (804) 698-4178

www.deq.virginia.gov

Matthew J. Strickler
Secretary of Natural and Historic Resources

David K. Paylor
Director
(804) 698-4000

Jeffrey Hurst
Regional Director

**STATE AIR POLLUTION CONTROL BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
LONGWOOD ELASTOMERS, INC.**

Registration No. 10429

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1309 and -1316, between the State Air Pollution Control Board and Longwood Elastomers, Inc., for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the applicable permits and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the State Air Pollution Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1301.
2. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
3. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.

4. "Facility" means the Longwood Elastomers, Inc., molded rubber products manufacturing facility located at 655 Fairview Road, Wytheville, Wythe County, Virginia.
5. "Longwood Elastomers, Inc." or "Longwood" means Longwood Elastomers, Inc., a corporation authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Longwood Elastomers, Inc. is a "person" within the meaning of Va. Code § 10.1-1300.
6. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1309.
7. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the Virginia Air Pollution Control Law.
8. "PCE" means a partial compliance evaluation by DEQ staff.
9. "Permit" means a New Source Review Permit to modify and operate a molded rubber products manufacturing facility, which was issued under the Air Pollution Control Law and the Regulations to Longwood Elastomers, Inc. on July 2, 2020.
10. "Regulations" or "Regulations for the Control and Abatement of Air Pollution" mean 9 VAC 5 chapters 10 through 80.
11. "SWRO" means the Southwest Regional Office of DEQ, located in Abingdon, Virginia.
12. "Va. Code" means the Code of Virginia (1950), as amended.
13. "VAC" means the Virginia Administrative Code.
14. "Virginia Air Pollution Control Law" means Chapter 13 (§ 10.1-1300 *et seq.*) of Title 10.1 of the Va. Code.

SECTION C: Findings of Fact and Conclusions of Law

1. Longwood Elastomers, Inc. owns and operates the Facility in Wythe County, Virginia.
2. On October 13, 2020, Longwood submitted an application to amend the July 2, 2020 Permit.
3. On May 25, 2021, DEQ staff conducted a PCE review of the calendar year 2020 Annual Update for the Facility. Based on the evaluation and follow-up information, Department staff made the following observations:
 - a. The Facility's consumption of LORD Chemlock 205 totaled 121 gallons from January through June 2020 and 95 gallons from July through December 2020. The Facility exceeded the permit limitations set forth in the Permit.

- b. The Facility's consumption of LORD Chemlock 252 X totaled 430 gallons from January through June 2020 and 568 gallons from July through December 2020. The Facility exceeded the permit limitations set forth in the Permit.
4. Condition No. 9 of the Permit states: "The consumption of the following materials, or their equivalents, in the molded rubber products manufacturing facility shall not exceed the specified quantities..."

| | Gallons/Hour | Gallons/Year | LORD |
|----------------|--------------|--------------|------|
| Chemlock 205 | 0.01 | 50 | LORD |
| Chemlock 252 X | 0.10 | 500..." | |

5. On June 8, 2021, DEQ issued an Information Request to Longwood requesting additional material data from July 1, 2020 to May 31, 2021. On June 16, 2021, DEQ received the information requested.
6. On June 22, 2021, DEQ staff conducted a PCE for review of the submitted information from July 1, 2020 to May 31, 2021. Based on the evaluation and follow-up information, Department staff made the following observations:
- a. Longwood had exceeded the permit limitations for the following materials and used non-equivalent materials:
- LORD Chemlock 205 – 113 gallons 12-month consumption
 - LORD Chemlock 252X – 634 gallons 12-month consumption
 - LORD Chemglaze Z306 – 0.137 to 0.1669 gallons/hour consumption
 - Salso Methyl Ethyl Ketone – 0.0469 gallons/hour consumption
 - LORD Chemlock 205 – 0.0176 to 0.625 gallons/hour consumption
 - LORD Chemlock 252X – 0.1974 to 0.2981 gallons/hour consumption
 - DOW REBOND TR-5125 – 0.0198 gallons/hour consumption
 - Sherwin Williams F75-C201 Enamel – 0.05187 to 0.12121 gallons/hour consumption
 - Environ Tech – Tech Kleen AZE – 0.0652 gallons/hour consumption
 - LORD Chemock 220X – non-equivalent material
 - LORD Chemlock 608 – non-equivalent material

7. Condition No. 9 of the Permit states: "The consumption of the following materials, or their equivalents, in the molded rubber products manufacturing facility shall not exceed the specified quantities..."

| | Gallons/Hour | Gallons/Year |
|----------------------------------|--------------|--------------|
| LORD Chemlock 205 | 0.01 | 50 |
| LORD Chemlock 252 X | 0.10 | 500 |
| LORD Chemlock Z306 | 0.12 | 700 |
| Salso Methyl Ethyl Ketone | 0.04 | 220 |

| | | |
|----------------------------|------|---------|
| LORD Chemlock 205 | 0.01 | 50 |
| DOW REBONDTR-5125 | 0.01 | 40 |
| Sherwin Williams F75-C201 | 0.04 | 200 |
| Envirom Tech-Tech KleenAZE | 0.06 | 325..." |

8. 9 VAC 5-80-1180(D) states, in part: "Minor NSR permits will contain, but need not be limited to, any of the following elements as necessary to ensure that the permits are enforceable as a practical matter: ...2. Conditions necessary to enforce emissions standards. Conditions may include but not be limited to, any of the following: ...c. Limits on raw material usage rate."
9. On June 28, 2021, based on the review of the submitted records, the Department issued Notice of Violation No. ASWRO001895 to the Longwood Elastomers, Inc. for the violations described in paragraphs C3 and C6, above.
10. On July 1, 2021, Longwood submitted a written response to the NOV.
11. Based on the results of the May 25, 2021 PCE, documentation submitted on June 16, 2021, the results of the June 22, 2021 PCE, and the July 1, 2021 response, the Board concludes that Longwood Elastomers, Inc. has violated Condition 9 of the Permit and 9 VAC 5-80-1180(D), as described in paragraphs C3 through C4 and C6 through C8, above.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1309 and -1316, the Board orders Longwood Elastomers, Inc., and Longwood Elastomers, Inc. agrees to:

1. Perform the actions described in Appendix A of this Order; and
2. Pay a civil charge of \$11,080 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

Longwood Elastomers, Inc. shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, Longwood Elastomers, Inc. shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Longwood for good cause shown by Longwood, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order and in NOV ASWRO001895 dated June 28, 2021. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, Longwood admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Longwood consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Longwood declares it has received fair and due process under the Administrative Process Act and the Virginia Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by Longwood to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Longwood shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Longwood shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Longwood shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;

- b. the projected duration of any such delay or noncompliance;
- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance;
and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

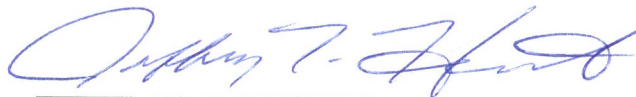
- 9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
- 10. This Order shall become effective upon execution by both the Director or his designee and Longwood. Nevertheless, Longwood agrees to be bound by any compliance date which precedes the effective date of this Order.
- 11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after Longwood has completed all of the requirements of the Order;
 - b. Longwood petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Longwood.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Longwood from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

- 12. Any plans, reports, schedules or specifications attached hereto or submitted by Longwood and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
- 13. The undersigned representative of Longwood certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Longwood to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Longwood.

14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
15. By its signature below, Longwood voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 15th day of September, 2021.



Jeffrey L. Hurst, Regional Director
Department of Environmental Quality

Longwood Elastomers, Inc. voluntarily agrees to the issuance of this Order.

Date: 9/2/21 By: [Signature], PLANT MANAGER
(Person) (Title)
Longwood Elastomers, Inc.

Commonwealth of Virginia

City/County of Wythe

The foregoing document was signed and acknowledged before me this 2nd day of
September, 2021, by Keith Jezioriski who is
Plant Manager of Longwood Elastomers, Inc., on behalf of the
corporation.

[Signature]
Notary Public

7823885
Registration No.

My commission expires: 12/31/2023

Notary seal:



APPENDIX A SCHEDULE OF COMPLIANCE

1. **Longwood Elastomers, Inc.:**

Shall submit all documentation requested by DEQ within 10 days of date of the request until the pending modified Permit has been issued.

2. **Certification of Documents and Reports**

In accordance with 9 VAC 5-20-230(A), in all documents or reports submitted to DEQ pursuant to this Consent Order, Longwood, shall by its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

3. **DEQ Contact**

Unless otherwise specified in this Order, Longwood shall submit all requirements of Appendix A of this Order to:

Crystal C. Bazyk
Enforcement and Air Compliance Monitoring Manager
VA DEQ – SWRO
355-A Deadmore Street
Abingdon, Virginia 24210
(276) 676-4829
crystal.bazyk@deq.virginia.gov